

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

282H0438

HOUSE AGRICULTURE AND NATURAL RESOURCES

COMMITTEE ENGROSSED NO. **HB 1127** -

01/29/2002

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: Representatives Juhnke, Duenwald, and Jensen and Senator Koskan

1 FOR AN ACT ENTITLED, An Act to place certain safety zone restrictions on hunting in state-
2 owned railroad rights-of-way.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 41-9-1.1 be amended to read as follows:

5 41-9-1.1. Except for controlled access facilities as defined in § 31-8-1, interstate highways,
6 unimproved section lines not commonly used as public rights-of-way, and highways within parks
7 or recreation areas or within or adjoining public shooting areas or game refuges posted for
8 restriction of an applicable use as hereinafter set forth by the Department of Game, Fish and
9 Parks, § 41-9-1 does not apply to fishing, trapping, or hunting on highways or other public
10 rights-of-way within this state that meet the requirements of § 41-9-1.3. No person, except the
11 adjoining landowner or any person receiving written permission from the adjoining landowner,
12 may use such highways or rights-of-way or any state-owned railroad right-of-way for the
13 purposes of hunting defined in this title within six hundred sixty feet of an occupied dwelling, a
14 church, schoolhouse, or livestock. No person, except the adjoining landowner or any person



1 receiving written permission from the adjoining landowner, may use such highways or
2 rights-of-way or any state-owned railroad right-of-way for the purpose of trapping within six
3 hundred sixty feet of an occupied dwelling, church, or schoolhouse. A violation of this section
4 is a Class 2 misdemeanor. If any person is convicted of knowingly discharging a firearm within
5 six hundred sixty feet of any occupied dwelling, church, or schoolhouse for which such distance
6 has been clearly and accurately marked and posted, the court shall, in addition to any other
7 penalty, revoke the person's hunting privileges for a period of one year from the date of
8 conviction.